

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 3985 of 2023**

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HARSHADBHAI @ VINUBHAI BALDEVBHAI PATEL
Versus
STATE OF GUJARAT

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Appearance:

MR DK CHAUDHARI(5361) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MS JIRGA JHAVERI, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE ILESH J. VORA**

Date : 23/02/2023**ORAL ORDER**

1. Heard Mr. D.K.Chaudhary, learned advocate for the applicant.
2. This application is filed for quashing of the FIR being C.R. No. 11206050230012 of 2023 registered with Nandasan Police Station, District- Mehsana for the offence punishable under Sections 407 and 114 of the Indian penal Code and under Section 25(1) of the Fertilizer (Control) Order, 1985 and Section 7 of the Essential Commodities Act, 1955 and all other consequential proceedings arising therefrom.
3. Mr. Chaudhary, learned advocate for the applicant would submit that, in view of bar of Section 11 of the Act, the trial court cannot take cognizance of the offence. Referring to Section 7 of the Act, he would submit that no court can take cognizance of the offence, except on a written complaint filed by the public servant as defined under Section 21 of the IPC. In the facts of the present case, the officer has lodged an FIR for the offence punishable under Section 7

of the Essential Commodities Act. In such circumstances, this Court is of the opinion that, the matter deserves consideration. Let **Rule** be issued returnable on **15.6.2023**. Learned APP waives service of rule for the respondent – State. Meanwhile, interim relief in terms of para 7(C) is granted. Direct service is permitted.

SUCHIT

(ILESH J. VORA,J)